

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRISH CUNNINGHAM,
Plaintiff,

vs.

CITY OF DETROIT, ET AL.,
Defendants.

2:21-CV-12459-TGB-APP

HON. TERRENCE G. BERG
HON. ANTHONY P. PATTI

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Anthony P. Patti's November 16, 2022 Report and Recommendation (ECF No. 11), recommending that Defendant City of Detroit's Motion for Judgment on the Pleadings (ECF No. 7) be **GRANTED IN PART** and **DENIED IN PART**.

The Court has reviewed Judge Patti's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of a report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will

therefore accept the Magistrate's Report and Recommendation of November 16, 2022 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Anthony Patti's Report and Recommendation of November 16, 2022 is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendant City of Detroit's Motion for Judgment on the Pleadings is **GRANTED IN PART** and **DENIED IN PART**.

The motion is **GRANTED** as it relates to Plaintiff's claims against the City of Detroit's Buildings, Safety, Engineering and Environmental Department and the Office of Inclusion and Opportunity and to the extent that it seeks dismissal of Plaintiff's Title VII religious discrimination and related hostile work environment claims for failure to exhaust administrative remedies.

The motion is **DENIED** to the extent that it seeks dismissal of (1) Plaintiff's ADA disability discrimination and related hostile work environment claims for failure to exhaust administrative remedies; and (2) Plaintiff's federal claims as untimely under 42 U.S.C. §§ 2000(e)-5(f)(1).

IT IS SO ORDERED this 19th day of December, 2022.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge